

REMARKS

In the Office Action mailed on August 5, 2004 by the United States Patent and Trademark Office, the Examiner rejected claims 1, 2, 5, 13-17, 19, 22, 23, 32, and 25, and objected to claims 3, 4, 6-12, 18, 20, 21, 24-31, 33, and 34. By way of this amendment and response, Applicants have amended claims 1, 2, 4, 7, 8, 9, 10, 11, 22, 23, 25, 26, 27, 28, 29, 30, 31, and 35, and canceled claims 3 and 23. After entry of these amendments, claims 1-2, 4-23 and 25-35 remain in the above-identified patent application. Reconsideration is respectfully requested in light of the foregoing amendments and the following remarks. The foregoing amendments and the following remarks are believed to be fully responsive to the Office Action mailed on August 5, 2003, and also render all currently pending claims at issue patentably distinct over the references of record.

I. REJECTION OF CLAIMS 1, 2, 5, 13-17, 19, 22, 23, and 32 UNDER 35 U.S.C. §102(e)

The Examiner rejected claims 1, 2, 5, 13-17 and 19 under 35 U.S.C. §102(e) as being anticipated by U.S. patent no. 5,545,906 as issued to Savtchenko et al on April 8, 2003 (hereinafter referred to as “Savtchenko”) and also rejected claims 22, 23, and 32 under 35 U.S.C. §102(e) as being anticipated by Savtchenko. Applicant respectfully traverses these rejections.

It is respectfully submitted that the claims as amended are not anticipated by Savtchenko as set forth by 35 U.S.C. §102(e). While Applicants acknowledge the Examiner’s statement of allowability for claims 3, 4, 6-12, 18, 21, 24-31, 33 and 34 if rewritten in independent form including all of the limitations of the base claim and any intervening claims, it is respectfully submitted that all the limitations of the base claim and any intervening claims are necessary to overcome Savtchenko.

In view of the foregoing, independent claim 1 and independent claim 22 have been amended to further distinguish from Savtchenko without incorporating all the limitations of the base claims and any intervening claims. More specifically, independent claim 1 has been amended to recite “said first magnetic field is adjusted to provide a fifth field magnitude that is less than said third field magnitude at a fifth time (t_5)” after “said first magnetic field is adjusted to provide a third field magnitude that is less than said first field magnitude and

greater than zero at a third time (t_3) “ that is after the “first magnetic field with a first field magnitude is produced in proximity to the magnetoelectronics information device at a first time (t_1).” (See amended claim 1 for addition of “said first magnetic field is adjusted to provide a fifth field magnitude that is less than said third field magnitude at a fifth time (t_5)” and “wherein $t_1 < t_3 < t_5$ ” for specification of the timing order.). In addition, independent claim 22 has been similarly amended to recite “adjusting said first magnetic field to provide a fifth field magnitude that is less than said third field magnitude at a fifth time (t_5)” after “adjusting said first magnetic field to provide a third field magnitude at a third time (t_3) that is less than said first field magnitude and greater than zero,” that is after producing the “first magnetic field with a first field magnitude in proximity to the magnetoelectronics information device at a first time (t_1).” (See amended claim 22 for addition of “adjusting said first magnetic field to provide a fifth field magnitude that is less than said third field magnitude at a fifth time (t_5)” and “wherein $t_1 < t_3 < t_5$ ” for specification of the timing order.) As Savtchenko does not teach, disclose or suggest each and every limitation of the independent claims as amended, it is respectfully submitted that the amended independent claims, and the claims that depend from the independent claims, are not anticipated by Savtchenko.

In addition to the amendments made to independent claims 1 and 22, amendments have been made to the claims that depend from claims 1 and 22. However, such amendments have been made solely for linguistic purposes in order to provide proper and consistent antecedent basis in the dependent claims after term designations were amended in the independent claims. Accordingly, the amendments to the dependent claims were not made for purposes of patentability and accordingly such amendments should not be utilized to limit an equivalent analysis of these claims.

In view of the foregoing, the Examiner is respectfully requested to withdraw the 35 U.S.C. §102(e) rejections of claims 1, 4-22, and 25-34.

II. REJECTION OF CLAIM 35 UNDER 35 U.S.C. §102(e)

The Examiner rejected claims 35 under 35 U.S.C. §102(e) as being anticipated Savtchenko. Applicant respectfully traverses these rejections.

It is respectfully submitted that the claims are not anticipated by Savtchenko as set forth by 35 U.S.C. §102(e). However, in order to expedite prosecution, independent claim 35 has been amended to recite that "said first magnetic field is adjusted to provide a fifth field magnitude that is less than said third field magnitude at a fifth time (t_5)," and also amended to recite that " $t_1 < t_3 < t_5$." It is respectfully submitted that Savtchenko does not teach, disclose or suggest each and every limitation of amended claim 35. Therefore, the Examiner is respectfully requested to withdraw the 35 U.S.C. §102(e) rejection of claim 35.

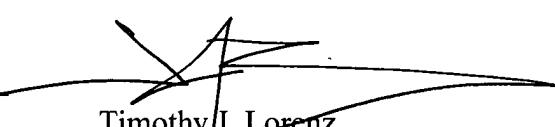
III. CONCLUSION

In view of the foregoing, Applicant respectfully submits that the above-identified application as amended is now in condition for allowance and the Applicant therefore earnestly requests such allowance. Should the Examiner have any questions or wish to discuss the foregoing response and amendment, Applicant requests that the Examiner contact the undersigned at (480) 385-5060.

If for some reason Applicant have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

Dated 11/5/04


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